

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

GARY L. BURKETT, JR.,

Petitioner,

-against-

9:05-CV-1321  
(LEK/DRH)

MICHAEL P. MCGINNIS, Superintendent,

Respondent.

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**DECISION AND ORDER**

This matter comes before the Court following a Report-Recommendation filed on June 28, 2007, by the Honorable David R. Homer, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.4 of the Northern District of New York. Report-Rec. (Dkt. No. 30).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Judge Homer's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

**ORDERED**, that the Report-Recommendation (Dkt. No. 30) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

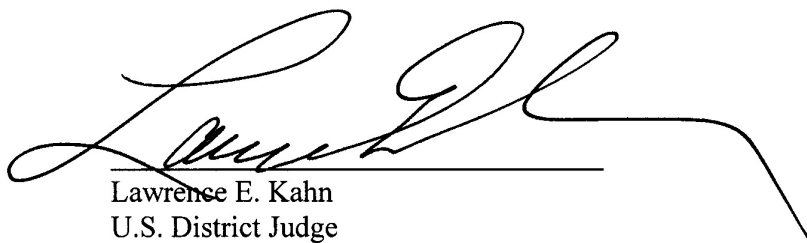
**ORDERED**, that Petitioner's Petition for a writ of habeas corpus (Dkt. No. 1) is **DENIED**; and it is further

**ORDERED**, that the Clerk of the Court shall **CLOSE Case Number 9:05-CV-1321 (LEK/DRH)**; and it is further

**ORDERED**, that the Clerk serve a copy of this Order on all parties.

**IT IS SO ORDERED.**

DATED: September 24, 2007  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge